

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 411 of 1998

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LEUVA PRAKASH ISHWARBHAI

Versus

GUJARAT STATE FOREST DEVELOPMENT CORPORATION  
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Appearance:

MR SR BRAHMBHATT for Petitioners  
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CORAM : MR.JUSTICE S.K.KESHOTE

Date of Order: 03/02/98

C.A.V. ORDER

1. By this special civil application, the petitioners, in all five in number, are challenging the order dated 26th December, 1997 of the respondent-Corporation under which their services were terminated.

2. The petitioners were only working as daily wagers temporary employees of the Corporation and under the impugned order their services were brought to an end on the ground of non-availability of the work.

3. The learned counsel for the petitioners contended that the termination of the services of the petitioners has been made in violation of the provisions of sections 25F and 25N of the Industrial Disputes Act, 1947.

4. So the challenge has been made by the learned counsel for the petitioners to the order of termination of the services of the petitioners on the ground of violation of the provisions of Industrial Disputes Act, 1947. When the petitioners are challenging the order of termination on the ground of violation of some provisions of a statute then the remedy provided therein has to be availed by the petitioners instead of approaching this Court. The petitioners have appropriate statutory remedy available under the provisions of the Industrial Disputes Act, 1947 by challenging the order of termination of their services by raising an industrial dispute.

5. Otherwise also, as held by the Division Bench of this Court in the case of Mukesh B. Desai vs. State of Gujarat & Ors. reported in 1997 (3) GCD 645, the principle - last come first go would apply in the cases of retrenchment, which is the basic principle of labour law, and as such, the appropriate remedy in such matters is only of raising an industrial dispute and not to approach this Court under Article 226 of the Constitution.

6. On the ground of availability of efficacious alternative remedy to the petitioners, this writ petition is dismissed.

(S.K. Keshote,J)

zgs/-